

PINELANDS DEVELOPMENT CREDIT BANK

20 West State Street
Trenton, NJ

Minutes

November 12, 2008 (Special Meeting)

- Meeting Location: 20 West State Street, Room 828, Trenton, NJ
- Members Present: Terry K. McEwen, Commissioner's Chair Designee
Guillermo Vivas, Executive Director, Pinelands Development Credit Bank
Assistant Attorney General Lawrence O'Reilly, Designee
Brian Smith, Esq., Alternate Department of Agriculture Designee
Daniel M. Kennedy, Pinelands Commission Designee
Robert C. Shinn, At Large Member
- Members Absent: Fawn McGee, NJDEP Commissioner's Designee
Edward J. McGlinchey, At Large Member
- Others Present: Helene Chudzik, Deputy Attorney General, Department of Law and Public Safety (Board Counsel)
Frank O'Shea, Regs Officer, Department of Banking & Insurance

Chairman Terry McEwen called the meeting to order at 2:05 p.m. and read the Statement of Compliance with the NJ Open Public Meetings Act. Because there were several members of the public present in conjunction with a request from the Burlington Co. Engineering Department, Mr. McEwen acknowledged their presence and asked them to introduce themselves to the Board. They were: R. Thomas Jaggard (County Engineer), Anthony DiMaggio (Assistant County Engineer), Gil Bosca and Mike Canoboy.

Reading and Approval of Minutes:

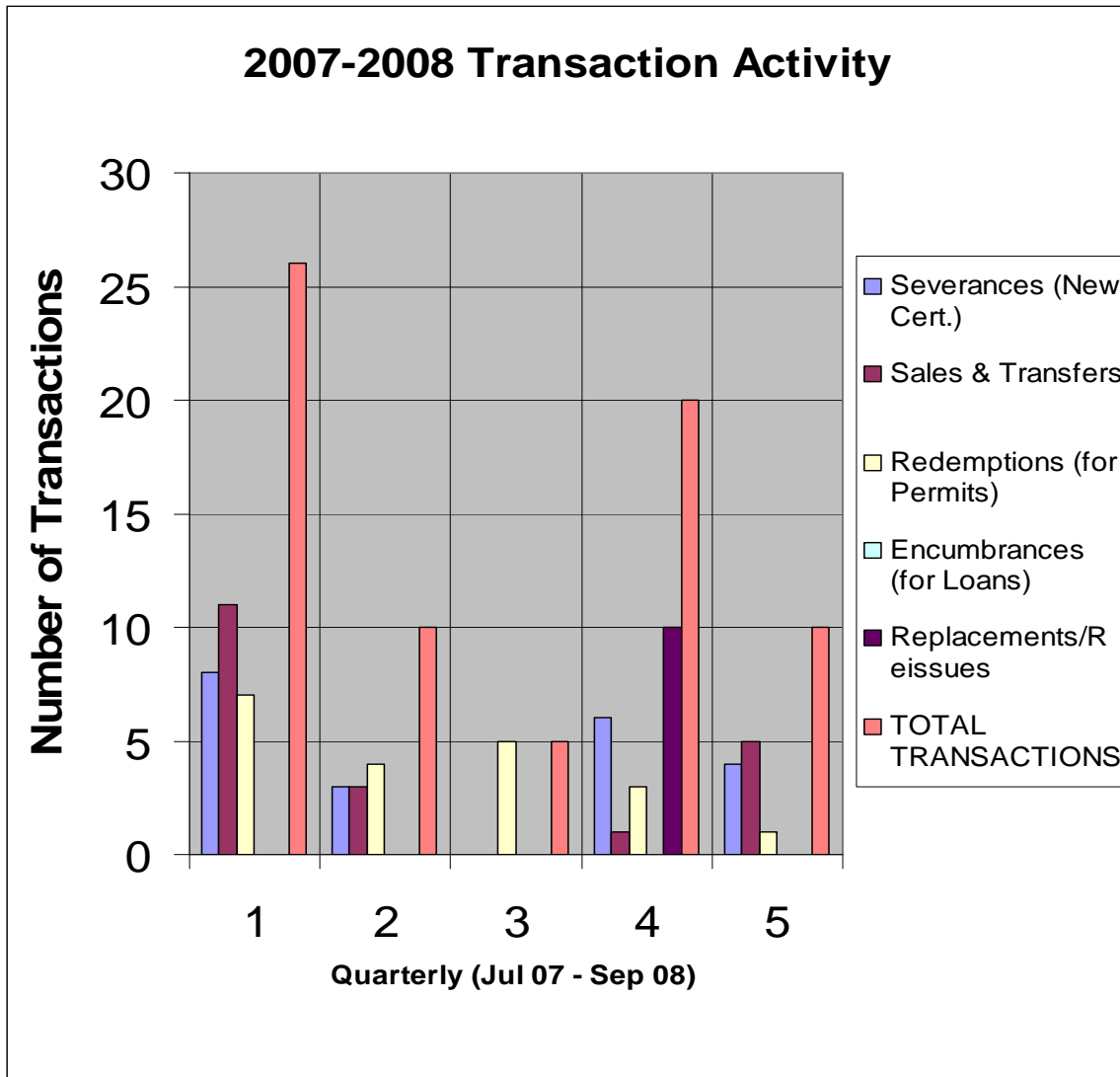
Chairman McEwen called for a motion to accept the minutes of the regular meeting held on July 17, 2008. Mr. Kennedy moved for approval (with minor corrections) and Mr. Smith seconded the motion; motion carried.

Executive Director's Report:

- Mr. Vivas reported that there are 10 applications for new PDC severances under review. All sales and redemptions are current and no backlog exists.
- We continue to clean-up the existing data in the PDC Tracking System; mostly data from the early years of the program and have also implemented enhancements to the website (including separate sections for individuals and corporate entities).
- For the period covering July 1, 2007 through September 30, 2008, the PDC Bank processed applications as indicated on the following chart distributed to the Board that illustrates trends, such as the decline in activity (corresponding to recent trends in the real estate market, rise in interest rates and stock market activity).

Pinelands Development Credit Bank
Application Activity 2007-2008

	Jul-Sep 2007	Oct-Dec 2007	Jan-Mar 2008	Apr-Jun 2008	Jul-Sep 2008
Severances (New Cert.)	8	3	0	6	4
Sales & Transfers	11	3	0	1	5
Redemptions (for Permits)	7	4	5	3	1
Encumbrances (for Loans)	0	0	0	0	0
Replacements/Reissues	0	0	0	10	0
TOTAL TRANSACTIONS	26	10	5	20	10



ACRES PROTECTED in 2007: 1,204.27ac; TO DATE in 2008: 321.37 ac.

PREPARED BY: GUILLERMO VIVAS, EXECUTIVE DIRECTOR

- Mr. Vivas also announced that Marilyn Harvin-Henley has now officially transferred to the PDC Bank from DOBI and spoke highly of her work skills and personality.

Business of the Board:

- The PDC Bank continues to have two at-large member vacancies. With the two recent appointments, the Board now has the same number of vacancies that it had five years ago.
- Mr. Vivas explained that the readoption of the Bank's Rules has been completed. The Legislative section of the Department of Banking & Insurance (DOBI) diligently assisted with the preparation of the necessary documents for the re-adoption of the Rules.
- Chairman McEwen informed the Board that the concept of the Bank holding an auction has to be tabled indefinitely. The sharp decline in the private market has created a situation whereby we are unable to meet one of the two statutorily imposed conditions to be able to hold an auction. Mr. Shinn suggested that it may be worthwhile to consider amending the Rules in order to bring private sellers into the auction as well, as that would help to meet the criteria of not affecting private sales. He used the Chesterfield Twp. auction as an example. Mr. Kennedy explained how the Chesterfield auction was done. Ms. Chudzik observed that the suggestion has merits, but at the moment we cannot substantiate the demand for PDCs that would warrant an auction.
- Chairman McEwen told the Board that the DOBI Commissioner had entertained the possibility of a loan from DOBI, as a temporary funding measure. Mr. McEwen called for volunteers to serve on a committee that would look further into the budget and future funding of the PDC Bank. The committee will consist of: Fawn McGee, Daniel Kennedy and Lawrence O'Reilly; also, Mr. Smith will ask Susan Craft if she would be available. A representative from DOBI Legs & Regs and DAG Helene Chudzik will also participate

Other Business:

- **Burlington County Board of Chosen Freeholders:
South Pemberton Rd (CR 530) Improvement Project**

R. Tomas Jaggard, Burlington County Engineer, gave an overview of the project to the Board. The project runs 3.2 miles from Route 206 in Southampton Twp. to Magnolia Rd. in Pemberton Borough. This is the second highest volume road in Burlington County (22,000 vehicles/day) and has a high accident rate. There have been 10 fatalities in the last 10 years. A high percentage of the accidents are caused by left turns in and out of driveways due to the lack of a left-turn lane. The existing cart way is 44-ft. wide and has no shoulders. They feel that the solution is to add a center left turn lane and shoulders. The proposed improvement calls for 4 12-ft lanes, a 14-ft center left turn lane and a 6-ft. shoulder on each side (72-ft total

cart way. They are able to obtain the extra land they need for the road widening all along the southerly side of the proposed improvement, but Katona Farms severed its PDCs (PDC Certificate #103, issued in 1988) and there is an existing deed restriction on the land. Katona Farms has 3,171 ft. of frontage on CR 530. Burlington County needs to obtain 4.4 acres from Katona Farms for this road widening.

Note: Board member Robert Shinn had to leave the meeting at 3:08 p.m. due to a prior commitment. At that point, the Board *lost its quorum*.

Additional discussion ensued about what other alternatives existed, such as widening on the north side of the Road, the mechanism (if one exists with the DEP or other State entity) for extinguishing or modifying a recorded conservation easement, how to replace the lost preserved land, etc. Mr. Jaggard made reference to a letter he had sent in October to DAG Helene Chudzik, and the enclosed "Alternatives Analysis" document. In that letter he had indicated that they would proposed to replace the acreage of preserved farm on a two for one basis in order to lift the conservation easement on the portion of the Katona Farm that they need for the project. Mr. Vivas was asked to provide the Board with copies of those documents and to schedule a special meeting of the Board, by teleconference, if necessary (between December 2nd and the 12th), for the Board to reach a decision. Lacking a quorum, the Board could not take action at this meeting.

Chairman McEwen closed the matter by emphasizing to the members present that the question for the Board to consider is whether or not they wish to entertain the possibility of granting or not granting the requested relief. In making their individual decisions, they will need to consider: first of all, do they agree with the concept? secondly, under what circumstances would they consider such action—as it may potentially set a precedent? (such as because it involves "public safety"?); and lastly, to base their decision on the documentation and information provided.

Adjournment: The meeting was adjourned at 3:55 p.m. on a motion by Mr. O'Reilly, seconded by Mr. Smith, and a unanimous affirmative vote.

Respectfully submitted,

Guillermo Vivas
Executive Director